



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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DEAN D. EFSTATHIOU, Acting Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

October 14, 2008

IN REPLY PLEASE
REFER TO FILE: **WM-3**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors

**MEMORANDUM OF UNDERSTANDING WITH INTERESTED PARTIES TO
ESTABLISH A REGIONAL WATER MANAGEMENT GROUP TO PREPARE,
REVIEW, AND ADOPT AN UPDATED INTEGRATED REGIONAL WATER
MANAGEMENT PLAN FOR GREATER LOS ANGELES COUNTY REGION
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to authorize the Acting Chief Engineer of the Los Angeles County Flood Control District or his designee to execute a Memorandum of Understanding with interested parties to establish a Regional Water Management Group, in accordance with Sections 10530 to 10541 of the California Water Code, for the Greater Los Angeles County Integrated Regional Water Management Region to prepare, review, and adopt an updated Integrated Regional Water Management Plan, which is an advisory document required by the State Water Code

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

- 1 Authorize the Acting Chief Engineer of the Los Angeles County Flood Control District or his designee to execute a Memorandum of Understanding with interested parties to establish and participate in a Regional Water Management Group, in accordance with Sections 10530 to 10541 of the California Water Code, for the Greater Los Angeles County Integrated Regional Water Management Region.

- 2 Authorize the Acting Chief Engineer of the Los Angeles County Flood Control District or his designee as a member of the Regional Water Management Group to take necessary actions to prepare, review, and adopt an updated Integrated Regional Water Management Plan for the Greater Los Angeles County Integrated Regional Water Management Region

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to request your Board to authorize the Acting Chief Engineer of the Los Angeles County Flood Control District (LACFCD) or his designee to execute a Memorandum of Understanding (MOU) substantially similar to the attached MOU (Attachment A) with interested parties to establish a new Regional Water Management Group (RWMG) for the Greater Los Angeles County Region (Region) and to participate in the RWMG to prepare, review, and, as necessary, adopt an updated Integrated Regional Water Management Plan (IRWMP) for the Region. The MOU has no funding obligation. The updated IRWMP is needed in order for the LACFCD and other members of the RWMG to apply for new State grant funds. The IRWMP is an advisory document and, upon its adoption, will have no binding funding obligation on the County or the LACFCD.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Organizational Effectiveness (Goal 3) by utilizing a collaborative effort to implement projects and Fiscal Responsibility (Goal 4) by actively seeking grant funds to augment the County's funding sources. It also directs the provision of Community Services (Goal 6) by increasing recreational opportunities and environmental benefits, thereby improving the quality of life for citizens of the County of Los Angeles.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The MOU has no funding obligation. The IRWMP is an advisory document and, upon its adoption, will have no binding funding obligation on the County or the LACFCD.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The MOU will be executed among eligible interested parties and will establish a new RWMG for the Region.

On October 17, 2006, your Board authorized the LACFCD to execute an MOU with interested parties to (1) establish an RWMG and (2) prepare and adopt the IRWMP for the Region in accordance with the provisions of Proposition 50, Chapter 8, and Sections 10530 to 10541 of the California Water Code.

The preparation and adoption of the IRWMP, in accordance with the provisions of Proposition 50, Chapter 8, enabled entities within the Region to apply for implementation grant funding under the Proposition 50 Grant Program. It also encouraged a new regional approach to water resource management by establishing collaborative efforts across the watersheds within the Region. These efforts also facilitated further joint efforts and generated partnerships among dozens of entities that have flood protection, water supply, water quality, and the preservation of natural open-space-related interests, and furthermore established a framework for joint efforts to lobby and secure future funding for water-resources-related projects

On June 20, 2006, your Board further authorized the LACFCD to apply for a \$25 million grant, on behalf of entities in the Region, to fund 13 projects (one project was later separated into two resulting in a total of 14 projects), one of which is a LACFCD project. Subsequently, the California Department of Water Resources awarded a \$25 million Proposition 50 Grant to the Region. The 2006 MOU was prepared to enable the Region to apply and implement projects identified in the IRWMP under Proposition 50 and will remain in place until all said projects are completed and all project cost reimbursement under the grant are received

State and Federal grant funding agencies have since strongly endorsed the IRWMP concept to guide the awarding of grant funding. For example, Proposition 84, approved by California voters in 2006, designates grant funding up to \$215 million to be divided amongst several IRWMP regions, including the Region, to partially fund water-resources-related capital projects. However, in order for a RWMG to be eligible for these grant funds, it has to prepare and adopt an IRWMP or update an existing IRWMP that addresses the provisions of Proposition 84. The IRWMP would also have to address provisions of Proposition IE, enabling the RWMG to apply for grant funding for flood protection projects.

The Region's current IRWMP was prepared in 2006 as required by Proposition 50. The 2006 MOU that formed the current RWMG also stated that it was for Proposition 50 grant funding and implementation. To continue the regional water management effort and gain eligibility for the Region to seek other grant funding, interested parties in the Region have elected to form a new RWMG and to update and adopt, as necessary, an IRWMP that will incorporate provisions as outlined in

Proposition 84 and other grant programs. The majority of the members of the proposed RWMG are also members of the current RWMG. While the Proposition 50, 2006 RWMG was open to all interested parties, the new RWMG is expected to consist of the Greater Los Angeles County Region's Leadership Committee members. The Leadership Committee consists of the LACFCD, chairs and vice-chairs of the five Subregional Steering Committees, and five Water Management Area representatives for groundwater, surface water, sanitation, habitat/open space, and stormwater. Other parties are encouraged to endorse the new MOU to demonstrate support for the Greater Los Angeles County IRWMP.

ENVIRONMENTAL DOCUMENTATION

Execution of the MOU to participate in the RWMG to prepare, review, and adopt, as necessary, an updated IRWMP for the Region is not a project subject to provisions of the California Environmental Quality Act (CEQA) Guidelines because it is an activity that is excluded from the definition of a project by Section 15378(b) of CEQA Guidelines. The proposed action is an administrative activity of government, which will not result in direct or indirect physical changes to the environment.

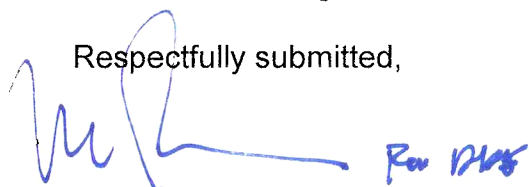
IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no adverse impact on current County services. The execution of the MOU to prepare, review, and adopt an updated IRWMP for the Region will further the enhancement of the quality of life for residents in the Region by improving water quality and water reliability while reducing dependence on imported water.

CONCLUSION

Please return three adopted copies of this letter to the Department of Public Works, Watershed Management Division.

Respectfully submitted,



DEAN D. EFSTATHIOU
Acting Director of Public Works

DDE:MP:ad

Attachment

- c. Chief Executive Office (Lari Sheehan)
County Counsel

Attachment A

MEMORANDUM OF UNDERSTANDING
FOR
INTEGRATED REGIONAL WATER MANAGEMENT PLANNING AND
IMPLEMENTATION

This Memorandum of Understanding (MOU) is entered into by and among members of the Greater Los Angeles County Region Integrated Regional Water Management Plan Leadership Committee for the purpose of developing, administering, updating and implementing an Integrated Regional Water Management Plan for the Greater Los Angeles County Region. Signatories to this MOU shall hereinafter be referred to individually as "Party" or collectively as "Parties"

RECITALS

WHEREAS, it is in the interests of the Parties, and the region served by the Parties, that the water resources the Parties share in common are responsibly managed, protected, and conserved to the extent feasible; and,

WHEREAS, the Parties desire to develop, administer, update and implement an Integrated Regional Water Management Plan (hereinafter referred to as "IRWMP") for the Greater Los Angeles County Region (defined in Exhibit A), in accordance with the Integrated Regional Water Management Planning Act of 2002, Division 6, Part 2.2 of the California Water Code as such Act may be amended hereafter

NOW, THEREFORE, it is mutually understood and agreed as follows:

SECTION 1 PURPOSES AND GOALS

1.1 Purposes and Goals:

The Parties desire to coordinate and share information concerning water resources management planning programs and projects and other information for grant funding and IRWMP implementation, and to improve and maintain overall communication among the Parties. It is anticipated that coordination and information sharing among the Parties will assist the agencies in achieving their respective missions and contribute to the overall well-being of the region. It is expected that all parties will cooperate and coordinate with one another in order to achieve the goals written above.

SECTION 2. JOINT AGENCY PLANNING FOR PROJECTS AND PROGRAMS

2.1 Projects and Programs:

46 It is the intent of the Parties that they coordinate and collaborate to develop and
47 implement projects and programs. Such coordination can achieve greater benefits than
48 single purpose projects. Applicable projects and programs include, but are not limited to,
49 the following:

50
51 2.1 1 An IRWMP for the Greater Los Angeles County Region.

52
53 2.1.2 Solicitation of external funding for implementation of the IRWMP for the
54 Greater Los Angeles County Region.

55
56 2.2 Formation of Regional Water Management Group (RWMG) and Adoption of the
57 IRWMP.

58
59 2.2.1 Leadership Committee signatories that execute this MOU shall constitute
60 the Regional Water Management Group (RWMG) pursuant to Cal. Water Code
61 section 10537. The RWMG shall facilitate the development and implementation
62 of the Greater Los Angeles County Region IRWMP. Adoption of the IRWMP
63 for the Greater Los Angeles County Region in accordance with the Integrated
64 Regional Water Management Planning Act of 2002 requires a simple majority
65 vote of the RWMG.

66
67 2.2.2 The Regional Water Management Group established by execution of this
68 MOU will serve as the Regional Water Management Group for the Greater Los
69 Angeles County Region IRWMP.

70
71 2.3 Operations of the RWMG

72
73 2.3.1 The Parties acknowledge that Operating Guidelines will be adopted and
74 revised by the RWMG and will be the basis for the decision-making process.

75
76 2.4 Endorsement by other parties

77
78 2.4.1 Other parties are encouraged to endorse this MOU to demonstrate support
79 for the Greater Los Angeles County IRWMP. Such endorsements do not obligate
80 said parties beyond the demonstration of support for regional water management
81 cooperation. Said parties will not be members of the RWMG.

82 83 SECTION 3 GENERAL PROVISIONS

84
85 3.1 Term. This MOU shall become effective on the date first written above and shall
86 expire on December 31, 2012 or upon its replacement by the adoption of a subsequent
87 MOU, Agreement, or Joint Powers Authority Agreement, or unless earlier terminated by
88 mutual written agreement of a majority of the Parties. Any Party may terminate its
89 participation in this MOU upon 60 days' written notice to the remaining Parties.

91 3.2 Construction of Terms: This MOU is for the sole benefit of the Parties and shall not
92 be construed as granting rights to any person other than the Parties or imposing
93 obligations on a Party to any person other than another Party
94

95 3.3 Good Faith. Each Party shall use its best efforts and work wholeheartedly and in good
96 faith for the expeditious completion of the purposes and goals of this MOU and the
97 satisfactory performance of its terms.
98

99 3.4 Governing Law. This MOU is made under and shall be governed by the laws of the
100 State of California.
101

102 3.5 Execution. This MOU may be executed in counterparts and the signed counterparts
103 shall constitute a single instrument. The signatories to this MOU represent that they have
104 the authority to bind their respective Party to this MOU
105

106 3.6 Succession. Successor appointees shall sign this MOU prior to being seated on the
107 Leadership Committee.
108

109 3.7 Administration. The Chair of the Leadership Committee will be responsible for the
110 ongoing administration of the MOU
111

112 3.8 Financial Commitment: Neither the signing of this MOU nor the adoption by the
113 governing boards of the Parties commits any Party to any financial obligation.
114

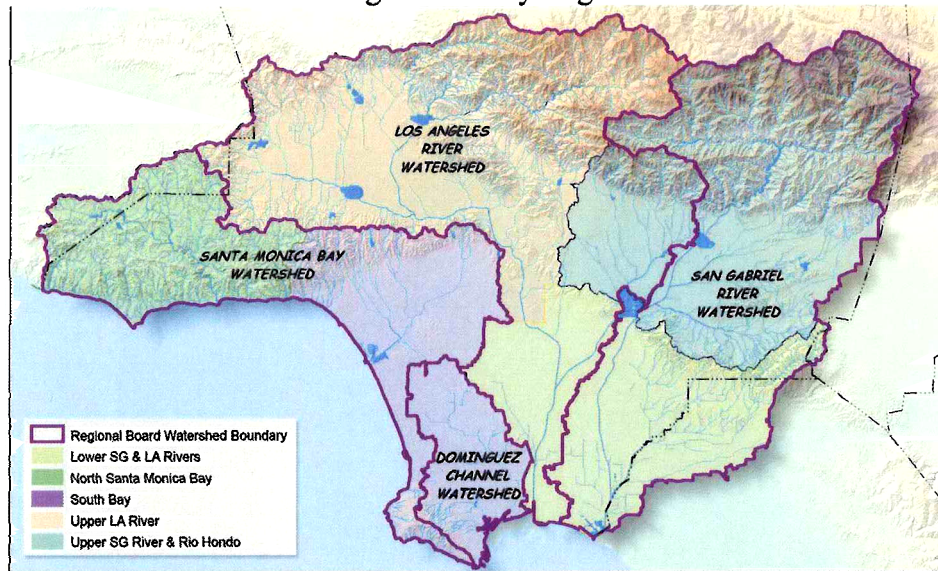
115 3.9 Severability. The provisions of this MOU shall be deemed severable, and the
116 invalidity, illegality or unenforceability of any provision of this MOU shall not affect the
117 validity or enforceability of any other provisions. In the event any provision of this MOU
118 is found to be invalid, illegal, or unenforceable, the Parties shall endeavor to modify that
119 clause in a manner which gives effect to the intent of the Parties in entering into this
120 MOU
121

122 3.10 Effective Date: This MOU shall take effect upon signature or counter-signature of a
123 majority of the Parties. Each additional Party shall have up to 60 days after the effective
124 date to sign the MOU

EXHIBIT A
Description of the Greater Los Angeles County Region IRWMP (Region)

The Region, an area of approximately 2,058 square miles, is located in coastal southern California. The Region contains portions of four counties; Los Angeles, Orange, Ventura, and San Bernardino. The region encompasses the following watersheds: The Los Angeles River watershed, the San Gabriel River watershed, the Santa Monica Bay watershed, and the Dominguez Channel watershed. The region is organized into five sub-regions: the Lower San Gabriel and Los Angeles Rivers, the North Santa Monica Bay, the South Bay, the Upper Los Angeles River, and the Upper San Gabriel River and Rio Hondo.

Greater Los Angeles County Region Watersheds



Greater Los Angeles County Sub-Regions



141 IN WITNESS WHEREOF, the PARTIES have executed this Memorandum of
142 Understanding as of the dates opposite their respective signatures.

143
144
145 COUNTY OF LOS ANGELES
146

147
148
149 By: _____
150 Acting Chief Engineer
151

152
153 ATTEST:

154
155 APPROVED AS TO FORM:

156
157 RAYMOND G. FORTNER, JR
158 County Counsel
159

160
161
162 By: _____